

## **REMARKS**

Reconsideration of the application is respectfully requested.

### **I. Status of the Claims**

Claims 1-3 and 5-7 were previously canceled without prejudice or disclaimer of the subject matter therein.

Claim 8 is amended without the introduction of new matter.

Claims 4 and 8-10 are currently pending.

### **II. Telephone Interview**

Applicant and Applicant's representatives wish to thank Examiner Melanie J. Hand for the telephone interview on November 16, 2006. During the interview, the outstanding rejections were discussed in detail. Specifically, amendments to claim 8 were discussed to clarify the claim over the applied art. The Examiner suggested that, in claim 8, the feature of the three clefts opening on a column surface should be amended in light of Glassman that the three clefts open on a column surface in a direction parallel to the longitudinal direction. The Examiner stated that such amendments to claim 8 would appear to define over the prior art of record including Glassman, and that the Examiner would reconsider the claims upon formal filing of a response. The present response sets forth the discussed amendments to claim 8.

### **III. Rejections under 35 U.S.C. §103**

Claims 4, 8 and 9 were rejected under 35 U.S.C. § 103(a) as unpatentable over Jessup et al. (U.S. Patent No. 6,039,716, herein "Jessup") in view of Mitchell et al. (U.S. Patent No. 5,637,106, herein "Mitchell"), and further in view of Glassman (U.S. Patent No. 5,047,024). Further, claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over Jessup in view of Mitchell, further in view of Glassman and Osborn, III et al. (U.S. Patent No. 5,885,265, herein "Osborn"). Applicant respectfully traverses the above rejections.

Independent claim 8 is directed to a sanitary tampon and amended to include, among others, the features that the absorber is folded along three fold lines extending in the longitudinal direction of the absorber to have three clefts defined between adjacent folds and then compressed over a substantially entire length into a column shape, and that the three clefts open on a column surface in a direction parallel to the longitudinal direction.

Accordingly, as shown in, for example, Figs. 2 and 5 of the present application, the sanitary tampon (1) is folded in a M-shaped cross section, extending in the longitudinal direction (Y direction). Thus, the three clefts open on a column surface in a direction parallel to the longitudinal direction. As a result, the small recesses (3) are dispersed not only in the column surface, but also in the inside portions (1a, 1c) in the longitudinal direction of the column-shaped tampon (1) with the M-shaped cross section. Thus, the menstrual blood is effectively absorbed into the absorbent layer (20) through the small recesses (3) located in

the three clefts opening on a column surface in a direction parallel to the longitudinal direction of the column-shaped tampon (1).<sup>1</sup>

The Examiner acknowledges that Applicant's arguments, which were filed July 24, 2006 with respect to rejections of claims 4 and 8-10 under 35 U.S.C. §103, are persuasive. Then, the Examiner combines Glassman with Jessup and Mitchell to supplement the deficiency of Jessup and Mitchell in that "[n]either Jessup nor Mitchell teaches an absorber that is folded into a column shape to have a generally "M" shaped cross-section."<sup>2</sup>

However, Glassman describes, at column 4, lines 40-68, the tampon as follows.

In the forming of the inventive tampon 10, the upper portion of the rectangularly-shaped wad of cotton 11 is folded down over itself as indicated by the arrows A--A such that the configuration of FIG. 2 results therefrom. The upper portion 14 of the wad of cotton 11 may be folded along a horizontal line 12 such that the vertical distance between the horizontal line 12 and the upper edge 13 of wad 11 is approximately one-third of the height dimension of four and one-half inches, or one and one-half inches.

The once-folded-over wad of cotton 11, as shown in FIG. 2, is thereafter folded lengthwise along a vertical line 15, which vertical line 15 lies in the center of the width W of the wad of cotton 11. The once-folded-over wad of cotton 11 may be folded over in either of the directions of arrows BB or CC so as to respectively result in the configuration shown in the FIGS. 3a and 3b. In either of the configurations of FIGS. 3a or 3b it is seen that the original wad of cotton 11 is twice as thick in the upper half thereof as compared to the lower half thereof. . . . Physically, twice as much of the absorbent material exists in the upper half -6 as compared to the lower half 17.

Accordingly, as discussed during the telephone interview, Glassman's tampon is folded in a U-shaped, not a M-shaped, cross section. Glassman fails to teach or suggest the features that the absorber is folded along three fold lines extending in the longitudinal

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<sup>1</sup> See the Specification, page 13, line 21 to page 15, line 2, for example.

direction of the absorber to have three clefts defined between adjacent folds and then compressed over a substantially entire length into a column shape, and that the three clefts open on a column surface in a direction parallel to the longitudinal direction, as recited in amended claim 8. Thus, unlike the present invention recited in amended claim 8, the menstrual blood cannot be effectively absorbed into the absorbent material.

Therefore, the cited references including Glassman, either taken individually or in combination, would not obviate the present invention recited in amended claim 8 and claims dependent therefrom.

With respect to Osborn, it also fails to teach or suggest the above-discussed features of amended claim 8. Accordingly, even if Osborn is combined to Jessup, Mitchell and Glassman, those cited references would not obviate the present invention recited in amended claim 8 and claims dependent therefrom.

Therefore, Applicant respectfully requests the withdrawal of the rejections of claims 4 and 8-10.

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<sup>2</sup> See the outstanding Office Action at page 3, the last two sentences.

**CONCLUSION**

In view of the above amendments, Applicant believes the pending application is in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below once he has reviewed the proposed amendment if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

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